

HOUSE BILL 156

By McCormick

AN ACT to amend Title 71, Chapter 5, Part 26; offenses and penalties, remedies and relative to providing the office of inspector general the authority to investigate and prosecute such offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated § 71-5-2601(a)(1)(A)(iii), is amended by deleting the language “TennCare to pay for either the clinical visit or for payment of the controlled substances” and substituting instead the language “TennCare to obtain the benefits”.

SECTION 2. Tennessee Code Annotated § 71-5-2601(a), is amended by adding the following language as a new, appropriately designated subdivision:

(5)

(A) A person commits an offense who knowingly sells, delivers, or aids and abets any person in the sale or delivery of a drug and used TennCare to obtain the drug.

(B) As used in this subdivision, “drug,” “deliver” and “delivery” shall have the same meaning as set forth in § 39-17-402.

(C) The provisions of subdivision (a)(5) shall not apply to any duly licensed physician, nurse practitioner, pharmacist, or other provider authorized to issue or dispense a prescription acting in good faith in the course of his or her profession;

(D) An offense under subdivision (a)(5) is a Class E Felony.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.